



Paper No. 11

BEYER WEAVER & THOMAS LLP
PO BOX 778
BERKELEY, CA 94704-0778

COPY MAILED

JUL 21 2004

OFFICE OF PETITIONS

In re Application of
Claesson
Application No. 09/669,069
Filed: December 20, 2000
Attorney Docket No. OCTIV-01

ON PETITION

This decision concerns the "Petition for Request to Change Filing Date under 37 CFR 1.182" submitted by facsimile on January 28, 2004.¹

The petition is **DISMISSED as moot.**

On September 22, 2000, the application was deposited in the USPTO.

On November 6, 2000, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application" ("11/6/00 Notice"), stating that the application had been accorded the September 22, 2000 filing date, but that Figures 3(a), 3(b) and 5-8 described in the specification appeared to have been omitted from the application as filed on September 22, 2000.²

The 11/6/00 Notice set forth 3 options:

- (I) If the apparently omitted drawings have indeed been deposited with the other application papers on September 22, 2000, a petition (under 37 CFR 1.53) along with evidence of such deposit may be filed;
- (II) If Applicant does not dispute the 11/6/00 Notice, the omitted drawings may be filed with a petition under 37 CFR 1.182, such that the application filing date would be changed to the date on which the omitted drawings were submitted;
- (III) Absent the filing of a petition under either option (I) or (II), the application will retain its originally-accorded September 22, 2000 filing date, and the original application will only consist of the papers deposited on September 22, 2000.

¹ This is a duplicate of the petition previously filed on 12/20/00. *See infra* discussion.

² Also missing were: a properly signed oath/declaration, and extra claim fee.

On December 20, 2000, Applicant responded to the 11/6/00 Notice with the filing of a new set of drawings (Figures 1-2, 3(a), 3(b), 4-8) along with a petition under 37 CFR 1.182. In addition, the petition stated that wrong drawings had been deposited on September 22, 2000, and should be replaced with those filed on December 20, 2000 with the petition.

Clearly, Applicant selected option (II) above, and OIPE subsequently accorded the application the later filing date of December 20, 2000, which is exactly what Applicant requested in the December 20, 2000 §1.182 petition.

In view of the above, the January 28, 2004 §1.182 petition is dismissed as moot.

A duplicate Filing Receipt reflecting the December 20, 2000 filing date is attached.

The application file is being returned to Technology Center 2600 to await a response to the January 20, 2004 non-final Office Action.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.



RC Tang
Petitions Attorney
Office of Petitions

Attachment: Filing Receipt (filing date 12/20/00; duplicate)